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Paper No. 12

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE - SUITE 101
ELLICOTT CITY, MD 21043

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MAR 21 2006

OFFICE OF PETITIONS

In re Application of	:	
Michael Yeh	:	
Application No. 09/927,384	:	ON PETITION
Filed: August 13, 2001	:	
Attorney Docket No. MR2349-671	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 30, 2006, to revive the above-identified application.

This application became abandoned for failure to timely respond to the final Office action mailed on February 25, 2003. A Notice of Abandonment was mailed September 9, 2003.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature of Steven Rabin appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence will be directed solely to the address of record until otherwise instructed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114, with the \$395 filing fee; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office also acknowledges receipt of an amendment filed January 30, 2006.

This application is being revived for consideration of the RCE.

The application file is being referred to Technology Center Art Unit 2854.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions

cc: Steven M. Rabin
1101 14th Street, NW – Ste. 500
Washington, DC 20005